

DISTRICT ADVISORY BOARD (DAB) I

MEETING MINUTES

Monday, September 12, 2005

7:00 p.m.

Atwater Community Center, 2755 E. 19th, Wichita, Kansas 67214

Members Present

Council Member Carl Brewer
Gerald Domitrovic
Treatha Brown-Foster
Lori Lawrence
Debra K. Miller Stevens
Debby Moore
Sharon Myers
Steve Roberts
Inga Taylor*
James Thompson
Lois Tully-Gerber
LaVonta Williams

Members Absent

Michael Ross*
Shontina Pickens-Tipton*

Guests

Dorothy Nave, 1802 Looman
Beverly Domitrovic, Schweiter NA
Lula Utsey, 2541 N. Minneapolis
Loretta Harris, 1903 McFarland
Lucy Wells, 1810 E. 23rd St.
Letha Ligons, 2715 Minnesota
Gertrude Jamison, 2402 Minnesota
Wendell Peete, 2507 N. Piatt
Charles London, 2502 Piatt
Paula Givens, 1228 N. Mathewson
Phyllis Peete, 2507 N. Piatt

***Alternates**

City of Wichita Staff Present

Virdena Gilkey, Neighborhood Assistant
Cynthia Berner Harris, Wichita Public Library
Jay Hinkel, Law Dept.
John Schlegal, MAPD
Sarah Gilbert, Career Development
Officer Paul Kimble, WPD
Officer Mo Floyd, WPD

Order of Business

Call to Order

Council Member Brewer called the meeting to order at 7:05 p.m. and welcomed the guests.

Approval of Minutes

Brewer (Brown Foster) made a motion to approve the minutes as submitted. Motion carried 9-0.

Approval of Agenda

Dorothy Nave, 1802 Looman, asked to be added to the Public Agenda to address their neighborhood petition for a no parking sign.

Roberts (Thompson) made a motion to approve the agenda as amended. Motion carried 9-0.

Public Agenda

1. Northeast Millair Neighborhood Petition for No Parking Signs

Dorothy Nave, 1802 Looman, reported that the Northeast Millair Neighborhood Association is I Phase 11 of the neighborhood revitalization plan and has great concerns about the 2500 block of north Minnesota. The concerns are: a) residents are unable to get through the intersection at 2500 block of north Minnesota; b) EMS vehicles are unable to get through the congested area in case of an emergency; c) there are lots of cars parked on the street and in yards, which violates city codes; and d) the residents living in the new

Millair Creek subdivision is unable to access their homes without traveling through the congested area. Ms. Nave stated that the goal is to increase the quality of life in the area one block at a time. In addition, the area was surveyed by WPD.

Officer Paul Kimble, 47 Beat, reported that two surveys were distributed: one for law enforcement personnel and EMS/Fire. A copy of the survey results was submitted, which revealed that 100% of those who responded felt like the street was congested with parked cars, that there was a wait time in order to safely proceed, and the area was more difficult to drive than in other areas that are similar. 80% responded that having a no parking sign on one side of the street would definitely alleviate any congestion.

Ms. Nave asked for the support of the board and Council Member Brewer. She then submitted the petition, which had been signed by residents on the block.

(Ms. Nave's response is in italics)

Thompson asked if they had any idea what is causing the congestion? *Yes, one of the residents has multiple cars and big trucks that are legally parked and tagged. He knows how the system works and will move his cars to show they are operable.* **Tully Gerber** asked how many vehicles are parked? *About 6 to 8 at a time.* **Domitrovic** asked how would it help to have everyone park on one side of the street? He added that the neighbor could park his cars along the one side of the street and still limit the parking. **Myers** asked if this person is operating a business? *No, he just collects cars.* **Brewer** asked if they had met with the Traffic section to see what has been done and what can be done? *Officer Kimble responded that if the neighborhood and the association support this, something can be done. This will not happen unless it is forced.* Brewer suggested that the board receive and file this report and forward the petition to Traffic Engineering.

Domitrovic (Roberts) made a motion to receive and file and forward the petition to Traffic Engineering for recommended action. Motion carried 8-1 (Brown Foster abstained).

2. Off-agenda items

No item submitted.

Staff Reports

3. Police Report

Officer Rose reported the following: 1) Gander Mountain held its grand opening and it was a success; 2) there will be a meeting to discuss the new skate park (park board, citizens, associations and skaters); and 3) the Red Cross was fired up to receive the Katrina victims and were a little disappointed that they opted not to come to Wichita.

Officer Mo Floyd reported the following: 1) James Arbertha, Power CDC was the guest speaker for the South Central Improvement Alliance and provided very good information; 2) Patrol South Beat Team meeting will be held next month (traffic, SRO's beat coordinators, etc.); 3) August 20th – conducted a prostitution sting, which resulted in 12 arrests; 4) end of August was an active shooter training. The training dealt with murders, etc. For additional information contact Chief Williams.

Brewer asked how many problems are anticipated as a result of the skateboard park and would lighting help? *Tons. A survey of the area showed that there are vacant businesses to the north and the south of the park. There is no lighting; no restrooms, no water fountains*

and the hours of operation are 7:00 a.m. – midnight. In the area is drug and gang activity and the area is difficult to patrol, but we are trying our best to prepare for any problems that might occur. Yes, lighting would help. A business owner's property has already been vandalized.

There was additional discussion concerning the skateboard park. The question was asked as to whether or not this project can be stopped before the projected problems occur and the response from Council Member Brewer is that the concrete has been poured and the project will proceed. Officer Floyd encouraged the board members to attend the community meeting on September 15th that would address the issues concerning the park.

Roberts (Brown Foster) made a motion to receive and file. **Williams** asked if there were reports from Patrol North?

Officer Paul Kimble, 43 Beat, asked to submit the following report: a) 43 Beat: there was a shooting at an identified drug house at 532 Estelle; working on prostitution problem in the 11th and 12th blocks of Grove; b) 45 Beat: there are burglary problems with identified suspects. WSU students are the victims of robberies; c) 42 Beat: at 25th and Grove there was a surge in gangs. They are working with the Park Department concerning the football games on Saturdays at Grove Park.

(Officer Kimble's response is in italics)

Thompson asked how often is Grove Park monitored and was an arrest made at 532 Estelle? *The area is driven on a regular basis to keep it in a safe place. We are working on an emergency eviction to get things resolved quickly at 532 Estelle.* **Myers** asked if there were any reports from 46 Beat? She commented that there are still unresolved loud noise issues on Mainsgate, there was five police cars, an ambulance and loud shouting in the 6800 block near Rushwood Circle, and there are nine walking path lights that are broken. *I do know that 46 Beat is working on clubs that violate under age drinking laws. Particularly Buffalo Wild Wings on Tuesday nights. Citywide, we are working on loud noise issues. We cannot cite a person unless we see and hear the violation.* **Brown Foster** inquired about gang activity at 2600 Grove at the Crown Apartments. *Some of it is gang activity in that area. Having the neighborhood association work with this area would be of great benefit to resolving certain issues. However, we don't want to place citizens in harms way.*

With no further discussion, the motion carried 9-0. Due to Planning staff needing to present at DAB VI, Council Member Brewer called for Item 6 – Proposed Wichita-Sedgwick County Unified Zoning Code. This item became #4 on the agenda.

4. Proposed Wichita-Sedgwick County Unified Zoning Code Amendments Relating to Sexually Oriented Businesses

John Schlegel, MAPD, presented information on the adult entertainment establishments (or sexually oriented businesses) that are not currently defined or regulated through the Wichita-Sedgwick County Unified Zoning Code. He stated that the City Council directed staff to review the current codes and bring them to standards.

In February 2005, the Council adopted a moratorium on the issuance of permits and licenses for new adult entertainment businesses. In August 2005, the City Council extended the moratorium until November 15, 2005 to allow staff time to: (1) draft more specific UZC and licensing ordinance amendment language; (2) present the proposed

UZC changes to District Advisory Boards for review and comment; and (3) present final proposed UZC amendments to the Metropolitan Area Planning Commission for review and public comment.

The proposal is to: 1) add the newly-defined "adult entertainment/sexually oriented business" use as a permitted; and 2) use only in "GC" General Commercial, "LI" Limited Industrial and "GI" General Industrial zoning districts; 3) at least 500' away from a church, public or parochial school, public park, day care center or residential zoning district; 4) at least 500' away from any other adult entertainment establishment/sexually oriented business; 5) add UZC language to "amortize" any adult entertainment establishments/sexually oriented businesses in the City that become "nonconforming" due to newly adopted UZC standards/regulations. Such amortization would only allow such establishments to be legally "grand-fathered" for a period of about one to two years from the date on which the new UZC regulations are adopted; City Council has recently suggested a 1-year amortization period; and 6) prohibit "adult entertainment/sexually oriented businesses as a permitted use in the UZC "OT-O, Old Town Overlay District", and also prohibit such businesses within 500' of the "OT-O, Old Town Overlay District".

(Jay Hinkel's response is in italics)

Myers asked how many businesses in Wichita would be affected by this change and does it affect the county? Myers also commented that she has problems with placing those establishments in neighborhoods. *A total of 17 business with 8 or 9 affected and/or closed due to non-conformance. The county is separate from this issue. On the other issue, the courts say that we have to place them somewhere. The purpose is not to allow them near schools, churches, residents, etc. We looked at the scenario of 1,000 feet, but it is not enough area to do that. By law, we cannot exclude these establishments, so we must find ways to co-habitat with as less contact as possible to certain areas. The U. S. Supreme Court has told us unequivocally that we have to allow them to operate. The terms come directly from Supreme Court cases that protect the 1st Amendment for free speech. What has to be proven is an increase in crime, a decrease in aesthetics, crimes in the general area, and traffic problems. If we increase separation distances, we keep churches, schools, etc. apart from each other as well.* **Domitrovic** added that by the courts standard, over-regulating these establishments would be like underhanded prohibition. We want to control it with improvements to the current laws. **Brown Foster** stated that Johnson County appears to have a clear definition of how this is regulated compared to Wichita. *Jay Hinkel responded that we have most of the same regulations as they have, but we currently do not restrict location. We have stricter statues, but our State laws are the same.* **Brewer** commented that it appears as if a second meeting is needed on September 26th. **Tully Gerber** asked if staff could provide additional information prior to the second meeting?

Robert (Myers) made a motion to defer this item until the next scheduled meeting on September 26, 2005. Motion carried 9-0.

Brewer revised the agenda again to hear item #6 as Sarah Gilbert had to present at another DAB meeting.

Tully Gerber left at 8:30 p.m.

5. Community Services Block Grant (CSBG) Review Committee

Sarah Gilbert, Career Development, presented an overview of the roles of the CSBG Review Committee. She stated that DAB 1 Member Debby Moore has served the maximum amount she can serve and a replacement for the board is needed. Then she explained that the committee meets four times a year from 3:30 p.m. – 5:00 p.m.

Ms. Gilbert requested that this area make nominations for this area and asked that they not worry about the sectors. She then left nomination forms for submittal.

The board took the nomination forms and received and filed.

6. Fall Library Programs

Cynthia Berner Harris, Library Director, present information on expanded library programs for school-aged children, teens and adults. She explained that all of their programs are cost related and not from the general fund. They hosted an adult program with Mike Lovett who spoke on Prescriptions with Medicare and are partnering with other agencies the second Wednesday of every month. There are also recreational programs that address other ethnicities: Hispanic Heritage and Embracing Asia.

Ms. Harris added that customer feedback indicates that the expansion of programs is one of the key factors helping to generate increased use of library facilities. The library wants to continue to increase awareness of these programs, as well as all other library services and activities. By sharing information with District Advisory Boards, they hope that information may reach citizens not yet familiar with these programs. They also hope to receive feedback about promotional methods that are not being currently used to help further extend community awareness of the library.

(Ms. Harris' response is in italics)

Moore asked about the e-mail address to get on their website. *Just go to the website and click on the library link. You can access our information easily that way.* **Roberts** asked if they are able to provide speakers at neighborhood association meetings? *We would try. We can include our information in the association newsletters.* **Williams** suggested that they provide their information to Lucy Burnett as she does many of the newsletters for neighborhoods.

Unfinished Business

No items submitted.

New Business

No items submitted.

Board Agenda

7. Updates, Issues, and Reports

No items submitted.

8. General Comments/Announcements

- **Brewer** announced the District I Coalition Breakfast Meeting will be October 1, 2005, Cistro's Restaurant and the next meeting of DAB I will be September 26, and October 3, 2005, Atwater Neighborhood City Hall.
- **Williams** announced the Family Strengthening Series, Saturday, September 17, 2005; WSU CAC Building, 12 noon – 9:00 p.m.
- **Moore** inquired how the City would have been better able to assist the victims of the storm. **Brewer** responded that FEMA is not a federal grant program, but an emergency services assistance program. The county would be the one to receive the notification and assistance when we reach a Level 4 status. It is at the point that we are will be reimbursed. Other than that, it is an expense that we must incur. There were lots of pop, chips, and food ordered, etc. We will be reimbursed within the next 30 days for those expenses.
- **Myers** inquired if there would be any more discussion on the dog issue. She stated that local vets are concerned about abused dogs and feels like the city/county working together would be better than what we have in place now. **Brewer** responded that the city/county are not merging, but have plans to co-locate. As dogs are processed in, they will be handed over to the county. Vets that are complaining now are those who did not provide input when the issues were before us. It would be tough to bring this issue up again as it is too quick. What was shot down in Wichita, Denver used the same ordinance and won it in the Supreme Court.

Thompson left at 8:50 p.m.

- **Brown Foster** addressed the Day Reporting Center, 703 East 21st Street, which has closed down. She stated that this is unfortunate, because the City put in a lot of money for this nice facility and now it is gone. The community is losing out and so is the city. **Brewer** responded that when the State conducts an RFP, all businesses are able to respond. Unfortunately, they were beat out by another organization and lost their funding. We cannot control that process or the law. The building and the property still belong to the city. **Taylor** asked if he knew where the new place would be located? **Brewer** responded that he did not, but the same offer made to the Day Reporting Center will be offered to the new agency if they want to pay the rent.
- **Roberts** reported that there is an on-going problem with weeds south of 17th Street and west of Woodlawn. **Williams** added that it is bad and that she has spoken with Kay Johnson and she said she is waiting for an RFP.
- **Domitrovic** announced Schweiter Day, September 24, 2005.
- **Miller Stevens** reported that the street striping has not been replaced after repairs on George Washington/Lincoln and Douglas/Rutan. This is creating a safety hazard that needs to be addressed soon. **Brewer** asked Virdena to contact the appropriate staff with this issue.
- **Brewer** stated that the South Central Improvement Alliance is working on a business development and asked Debra Miller to set on that board for DAB 1.
- **Brewer** encouraged the board to attend the City Council Meeting that was held the following morning at 9:30 a.m. to support the Northeast Area Development Plan.
- **Brewer** announced that effective today, DAB 1 has a new youth board member, Hayley Domitrovic.

The board received and filed.

With no further business, **Roberts (Williams)** made a motion to adjourn. Motion carried 7-0. The meeting adjourned at 9:15 p.m.

Respectfully Submitted,

Virdena Gilkey
Neighborhood Assistant